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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD PAUL HARTIGAN,

Defendant.

CR 19-05-H-CCL

**DEFENDANT HARTIGAN'S
SENTENCING MEMORANDUM**

INTRODUCTION

COMES NOW Defendant Donald Paul Hartigan, through his undersigned counsel, and offers the following memorandum in aid of sentencing currently set down before the Court for November 14, 2019 at 10:00 a.m. (ECF No. 18).

PRESENTENCE REPORT (PSR) OBJECTIONS

There are no outstanding objections to the PSR.

18 U.S.C. §3353(a) FACTORS

The relevant sentencing factors are set forth in 18 U.S.C. §3353(a), which we address briefly:

(1) *Nature and Circumstances of the Offense.*

Defendant has pled guilty to count I of the indictment, which charges the crime of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §841(a)(1).

(2) *History and Characteristics of the Defendant.*

Defendant endured physical and emotional abuse as a child and has since struggled with depression, anxiety, and panic attacks. *See* PSR at ¶ 65. Defendant further suffered from mental health issues and received medication while incarcerated. *See* PSR at ¶ 66. At age 20, Defendant was diagnosed with bipolar disorder and received mental health counseling when he completed Montana State Prison's Cognitive and Restructuring class. *See* PSR at ¶ 67. Defendant currently suffers from two (2) disorders; a major depressive disorder and a generalized anxiety disorder, and is prescribed medications for these disorders. *See* PSR at ¶ 68. Defendant has a history of substance abuse and has not received any treatment in the past. *See* PSR at ¶s 72-76.

(3) ***Seriousness of the Offense.***

Defendant acknowledges the seriousness of the offense and takes full responsibility for his actions. See PSR at ¶ 16.

(4) ***Deterrence and Protection of the Public.***

These factors will be served in this case by the sentence recommended below in paragraph 7.

(5) ***Promotion of Respect for the Law.***

Defendant has gained respect for the law as a result of this prosecution and confirms that he has learned a lesson. He affirms that he will not engage in this offense conduct ever again.

(6) ***Need to Provide Defendant With Education, Training, Medical Care or Other Correctional Treatment.***

As noted, Defendant is in need of mental health and substance abuse treatments and hereby requests that the Court order the same as conditions of supervised release.

(7) ***The Applicable Guidelines.***

The Guidelines are correctly calculated and we respectfully suggest a sentence of 84 months in prison to be followed by 5 years supervised release, assuming that the contingency set forth in paragraph 5 of the PSR occurs, be imposed.

CONCLUSION

WHEREFORE, Defendant prays the Court will consider this memorandum and use its content in aid of sentencing.

RESPECTFULLY SUBMITTED this 31st day of October, 2019.

/s/ Michael Donahoe
MICHAEL DONAHOE
Deputy Federal Defender
Federal Defenders of Montana
Counsel for Defendant

**CERTIFICATE OF SERVICE
L.R. 5.2(b)**

I hereby certify that on October 31, 2019, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF

1 Mail

1. CLERK, UNITED STATES DISTRICT COURT

1. J. Thomas Bartleson
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/s/ Michael Donahoe
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